



935.43189X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SAPIR, et al.
Serial No.: 10/677,225
Filed: October 3, 2003
Title: A METHOD AND APPARATUS FOR DETECTING SUBSTANCE
TO BE DETECTED CONTAINING AT LEAST ONE COMPONENT
THAT IS DISPERSIBLE IN AIR IN THE FORM OF SOLID
PARTICLES
Group: 1743
Examiner: Siefke, S.

RESPONSE TO RESTRICTION REQUIREMENT

September 22, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed August 24, 2006, in connection with the above-identified application.

In response to the restriction requirement in the outstanding Office Action, Applicants elect Group I, including claims 1-15, drawn to a method of detecting a substance to be detected containing at least one component dispersible in air in the form of solid particles.

The restriction requirement is traversed since it is submitted the Examiner has not, in fact, shown that the process as claimed can be practiced by another and a materially different apparatus or by hand. While the Examiner alleges that "the process can be practiced by hand, i.e. inserting the sample member into a closed space by

hand, and removing the filter by hand," the Examiner has not demonstrated how, even with inserting the sample into a close space by hand and removing the filter by hand, one would not use the apparatus set forth in claim 16, for example. In particular, the method of Group I of this subject application still requires a closed space, a sampling member and a pump, even if the sample member is inserted into the close space by hand and the filter is removed by hand. That is, the Examiner has not demonstrated that the method set forth in Group I can be practiced by an apparatus other than that set forth in Group II.

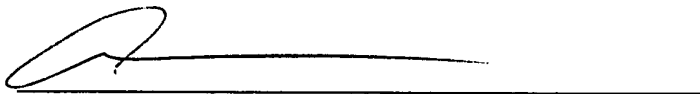
For the foregoing reasons, the Examiner has not demonstrated that the inventions of Groups I and II are distinct.

For the foregoing reasons, withdrawal of the restriction requirement is requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (935.43189X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to be 'A. Schiavelli', is written over a horizontal line.

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AES/at